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10/577,096

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Andre Latenstein Van Voorst

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

CHOW, VAN NGUYEN

ART UNIT

PAPER NUMBER

2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/577,096 | <b>Applicant(s)</b><br>LATENSTEIN VAN VOORST ET AL. |  |
|                              | <b>Examiner</b><br>VAN N. CHOW       | <b>Art Unit</b><br>2627                             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 10/15/2008 have been fully considered but they are not persuasive.

Claim 1:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Tsukuda is directed to a method for tilt correction of an objective lens for optical disk. As clearly shown in the figures of Tsukuda, such as FIGs 5 and 14, fixed portion 11 and the lens 1 (on the movable portion 13 supported by elastic supporting members 3) are at the same distance from the disk, where the movable portion 13 is even at a greater distance from the disk than the fixed portion 11",) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, claim 1 recites "wherein at least in an inactivated state of the actuator the mounting position of the at least one elastic support member at the lens holder is located closer to the disk than the respective mounting position of the at least one elastic support member at the frame, as seen in the focusing direction of the lens", which does not recite the distance from the disk to lens holder (the top of the lens holder or the bottom) is shorter than the distance from the disk to the frame (the top or the bottom), but the mounting position. Tsukuda discloses in Figs. 22 and 25, wherein at least in an inactivated state of the actuator the mounting position of the at least one elastic support member at the lens holder is located closer to the disk than the respective mounting position of the at least one elastic support member at the frame, as seen in the focusing direction of the lens (see attachment), for more details see the following rejection).

Claims 2-9:

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For the same reasons as claim 1, claims 2-9 are not allowable at least based on their dependence from independent claim 1.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukuda et al. (US 2002/0009032).

Regarding claim 1, Figs. 22 and 25, discloses a pickup unit for reading and/or writing data on a disk, comprising

a lens (lens 1) in a lens holder (lens holder 13) which is connected to a frame (frame 11) of the pickup unit by at least one elastic support member (elastic member 3) extending between a mounting position at the lens holder and a mounting position at the frame (see attachment, the mounting position at the arrow position), the lens holder being movable with respect to the frame in a focusing direction (direction Fo) of the lens towards and away from the disk in that the at least one elastic support member is bent under the action of an actuator acting between the lens holder and the frame (see Figs. 2, 10 and 16), wherein at least in an inactivated state of the actuator the mounting position of the at least one elastic support member at the lens holder is located closer to the disk than the respective mounting position of the at least one elastic support member at the frame, as seen in the focusing direction of the lens (see figs. 22, 25 and the attachment)

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Regarding claim 2, discloses a pickup unit according to claim 1, wherein the at least one elastic support member is substantially rectilinear and has an inclined position with respect to the plane of the disk (see Figs. 4 and 10).

Regarding claim 3, discloses a pickup unit according to claim 1, comprising a plurality of elastic support members, preferably four or six elastic support members (see Figs. 4 and 6, [0113]).

Regarding claim 4, discloses a pickup unit according to claim 3, wherein each elastic support member forms part of a cooperating group of elastic support members, and wherein the mounting positions of the elastic support members within the cooperating groups are spaced apart in the same direction and over an equal distance at the lens holder and at the frame (see Fig. 25).

Regarding claim 5, discloses a pickup unit according to claim 3, wherein for each cooperating group of elastic support members their mounting positions at the lens holder are symmetrically spaced apart in the focusing direction of the lens with respect to the center of mass of the lens holder (see Fig. 25).

Regarding claim 6, discloses a pickup unit according to claim 3, wherein each elastic support member forms part of a cooperating group of elastic support members, and wherein the two cooperating groups of elastic support members are positioned at a distance from each other, symmetrically with respect to a plane extending through the center of the lens in the focusing direction and in a tangential direction of the lens with respect to the disk (see Figs. 2, 10 and 16).

Regarding claim 7, discloses a pickup unit according to claim 3, wherein the elastic support members are wire members (see [0009], [0113]).

Regarding claim 9, discloses a disk drive unit comprising a disk drive and the pickup unit according to claim 1 (see Figs. 4, 22, 25).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda et al. (US 2002/0009032) in view of Hori et al. (US 6,246,531).

Tsukuda discloses a pickup unit according to claim 1, and at least one elastic support member.

Hori discloses four suspension wires or conductive wires 24 as a suspension member for elastically suspending the lens holder 21 (see col. 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide conductive wires as a suspension member in Tsukuda as suggested by Hori, the motivation being in order to the lens holder is provided with coil electrically connected to the conductive wires (see Hori col. 3)

***Allowable Subject Matter***

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references cited in record disclose or suggest all the limitations in claim 1 including the limitations wherein the at least one elastic support member is rectilinear and has an inclined position with respect to the plane of the disk in the inactivated state.

***Conclusion***

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Optical disk for adjusting optical pickup, method for adjusting optical pickup; Apparatus for driving a objective lens utilizing flexible arms and pivotability mechanisms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627